

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-227-1F

UNITED STATES OF AMERICA :
:
v. :
:
THOMAS RAY NICHOLS :

PRELIMINARY ORDER OF FORFEITURE AS TO SUBSTITUTE ASSETS

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on October 5, 2009, as well as the Affidavit of Special Agent Robert Richards, the following substitute assets are hereby forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) (as made applicable by Title 28, United States Code, Section 2461(c)), the forfeited proceeds of the illegal activity having been made unavailable by the act or omission of the defendant:

Real Property

(a) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 1196 Hillside Drive, Franklinton, North Carolina, located in Granville County, North Carolina, and being more particularly described in a deed recorded in Book 573, pages 0796-0797 of the Granville County Register of Deeds. Being titled in the names of Thomas R. Nichols and wife, Patricia A. Nichols.

(b) All that lot or parcel of land, together with its

buildings, improvements, fixtures, attachments, and easements, having the street address of 1503 Hillside Drive, Franklinton, North Carolina, located in Granville County, North Carolina, and being more particularly described in a deed recorded in Book 824, pages 0202-0203 of the Granville County Register of Deeds. Being titled in the names of Thomas R. Nichols and wife, Patricia A. Nichols.

Personal Property

- (a) A 2001 CAT Pallet Jack GS
- (b) \$922.00 in U. S. currency which represents the cash value of the miscellaneous Susan B. Anthony coins and gold coins seized from Defendant Nichols, and
- (c) \$33,805.25 in U. S. currency.

The above substitute assets are forfeited up to the value of \$1,760,400.00, said value to be determined by the net proceeds realized by the Government after the sale or other disposition of the substitute property and the disposition of any third party claims to the property. Any net proceeds from the sale or disposition of the substitute property that exceeds \$1,760,400.00 shall be returned to the Defendant.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

1. That based upon the Memorandum of Plea Agreement as to the defendant, THOMAS RAY NICHOLS, the interest of the defendant

in the identified property is herewith forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §§ 853(n) (1) through (7).

2. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of the Preliminary Order as to Substitute Assets and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

3. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853.

4. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the United States Department of Justice Assets

Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and
21 U.S.C. § 881(e).

SO ORDERED. This 17th day of April, 2011.

James C. Fox
JAMES C. FOX
Senior United States District Judge